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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,553	08/22/2003	Roger S. Kerr	86151NAB	9429

7590 10/27/2005

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/646,553

Applicant(s)

KERR ET AL.

Examiner

Daniel J. Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 9,10,12 and 17 is/are rejected.
- 7) ☒ Claim(s) 11,13-16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/22/03</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Note***

2. It appears that in claim 1, line 12, "roller" should actually be --rollers.--

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

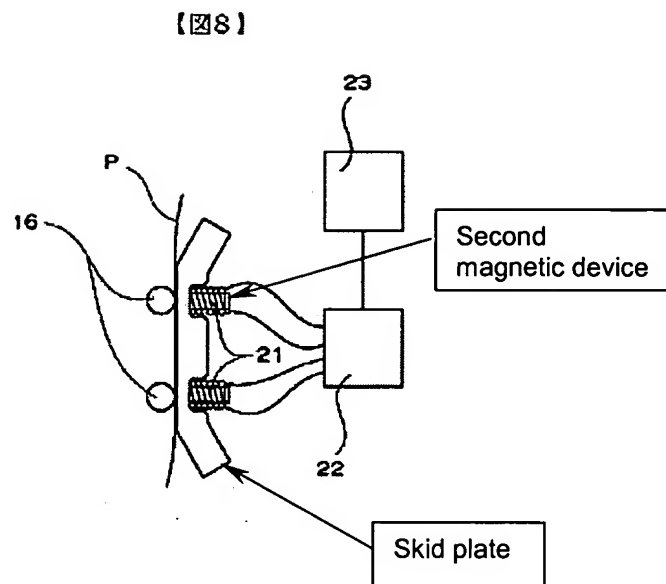
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-10 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Osawa (JP 2001-301253).

With respect to claim 9, Osawa discloses an apparatus including a first magnetic roller 16 and a second magnetic device 5 which create a pressure on media P. Such a pressure could be capable of rupturing unexposed microcapsule in the media without rupturing exposed microcapsules in the media.

With respect to claim 10, in another embodiment, Osawa discloses a skid plate between the second magnetic device 21 and the media P as shown below in the Figure taken from Figure 8 of Osawa:



With respect to claim 17, Osawa discloses an apparatus including a ferrous rupturing roller 16 and a bar magnet 19 as shown in Figure 6 of Osawa such that the roller 16 presses a medium P against the bar magnet (Osawa, paragraph [0022]). Such a pressure could be capable of rupturing unexposed microcapsule in the media without rupturing exposed microcapsules in the media.

5. Claims 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodwin et al. (US 3,413,915).

With respect to claim 9, Goodwin et al. discloses an apparatus including a first magnetic roller 1 and a second magnetic device 3 for creating a pressure on a media 20' as shown in

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Figure 3B of Goodwin et al. Such a pressure could be capable of rupturing unexposed microcapsule in the media without rupturing exposed microcapsules in the media.

With respect to claim 12, the second device 3 is a magnetic roller.

***Allowable Subject Matter***

6. Claims 1-8 and 19-21 are allowed.

7. Claims 11, 13-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-3 have been indicated as allowed primarily for the steps of providing first and second segmented, magnetic rollers and passing the media between the first and second magnetic rollers wherein a force of attraction between the magnetic sections ruptures unexposed microcapsules in the media.

Claims 4-6 have been indicated as allowed primarily for the first magnetic roller being segmented into alternate north/south segments, the second magnetic roller being segmented into alternate north/south segments and the flanges on opposite ends of each of the first and second magnetic rollers.

Claims 7-8 have been indicated as allowed primarily for the first magnetic roller being segmented into alternating north/south magnetic segments and the flanges on opposite ends of the first roller and the second roller.

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Claim 11 has been indicated as containing allowable subject matter primarily for the second magnetic device being a ferrous load ball.

Claims 13-16 have been indicated as containing allowable subject matter primarily for the first magnetic roller and the second magnetic device being electro-magnetic devices.

Claim 18 has been indicated as containing allowable subject matter primarily for the bar magnet being segmented with alternating north/south polarity.

Claims 19-21 have been indicated as allowed primarily for the step of moving a rupturing roller and imaging exposure device laterally across said media to expose selected microcapsules with said image exposure device and rupture unexposed microcapsules.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki and Rindfleisch are cited to show other examples of magnetically attracted pressing rollers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 24, 2005



Daniel J. Colilla  
Primary Examiner  
Art Unit 2854